

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 59th LEGISLATURE - REGULAR SESSION

JOINT APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Call to Order: By **CHAIRMAN CHRISTINE KAUFMANN**, on January 31,
2005 at 8:00 A.M., in Room 472 Capitol.

ROLL CALL

Members Present:

Rep. Christine Kaufmann, Chairman (D)
Sen. Dan Weinberg, Vice Chairman (D)
Sen. John Cobb (R)
Rep. Joey Jayne (D)
Sen. Greg Lind (D)
Rep. Penny Morgan (R)

Members Excused: Rep. Walter McNutt (R)

Members Absent: None.

Staff Present: Pat Gervais, Legislative Branch
Laura Good, Committee Secretary
Lois Steinbeck, Legislative Branch

Please Note. These are summary minutes. Testimony and discussion are paraphrased and condensed.

CHAIR REP. CHRISTINE KAUFMANN, HD 81, HELENA called the meeting to order.

Ms. Shirley Brown, Administrator, Child and Family Services Division (CFSD), provided the committee with a CFSD Overview, CFSD Glossary of Acronyms and Terms, CFSD Funding Analysis of the Subsidized Adoption and Foster Care Program for the 2007 Biennium, CFSD Foster Care Funding charts, and articles regarding the affects of methamphetamine addiction and broader methamphetamine culture on Montana's children. She also introduced division personnel in attendance.

[EXHIBIT\(jhh24a01\)](#)

[EXHIBIT\(jhh24a02\)](#)

[EXHIBIT\(jhh24a03\)](#)

[EXHIBIT\(jhh24a04\)](#)

[EXHIBIT\(jhh24a05\)](#)

Ms. Brown discussed Page 3, Child and Family Services Division Organizational Chart; Page 4, Map of Montana CFSD County Offices; Page 5, Division Mission; Page 6, Child Protective Services Continuum, with brief reference to Page 58, Chart on Children Entering and Exiting Care Fiscal Year (FY) 1998 Through FY 2004.

REP. PENNY MORGAN, HD 57, BILLINGS, asked how the graphs reflect the numbers of children removed from homes affected by methamphetamine abuse, use or production.

Ms. Brown stated that the smaller number of children leaving CFSD care reflects the care situation of children from homes affected by methamphetamine. She explained that because of their parents' necessarily long drug rehabilitation stays, these children cannot return home for in-home care programs. She also provided further information and statistics on this group of children.

Ms. Brown discussed Page 62, detailing Destination of Children Exiting the System, FY 2004.

Responding to **REP. JOEY JAYNE, HD 15, ARLEE**, **Ms. Brown** discussed an upcoming Senate bill that addresses the placement of children in extended-family care situations.

SEN. DAN WEINBERG, SD 2, WHITEFISH, requested that as appropriate, **Ms. Brown** note for the committee federal and state requirements and statutes that she feels are ineffective.

Ms. Brown directed the committee to Page 69 of the overview, noting State and Federal Laws that Define the Parameters of Child

Protective Services. She also discussed ways in which formal statute promotes accountability and good practices.

Ms. Brown returned to Page 7, Centralized Intake, FY 2004; Pages 8-9, Child Protective Services' System of Checks and Balances (Investigation and Oversight Processes).

{Tape: 1; Side: B}

Responding to **REP. MORGAN**, **Ms. Brown** described qualifications and training for Guardians at Litem (GAL) and Court-Appointed Special Advocates (CASA).

Ms. Brown continued with Page 9, Child Protective Services' System of Checks and Balances; Page 10, Foster Care "Myths."

SEN. GREG LIND, SD 50, MISSOULA, appealed for information on the frequency of legitimate family-division disputes over case facts and a most-appropriate course of action.

Ms. Brown explained that abuse situations are more clear-cut, while some neglect situations are not. She noted that as compared to historical placements, today's placements are for children whose situations are very serious and who must receive other care.

CHAIR KAUFMANN invited discussion of CFSD's systems for connecting children to services available through other state divisions and programs.

Ms. Brown stated that local child protection teams and the Kid's Management Authorities (KMA's) are excellent sources for immediate and appropriate referral.

REP. JOEY JAYNE, HD 15, ARLEE, requested that the division present information on Page 7, Centralized Intake, FY 2004, by region.

Ms. Brown agreed to do so and provide such a break-down for the committee.

REP. JAYNE asked how much general fund is needed to cover the number of new placements.

Ms. Brown said that costs for the 1,419 new placements are inscribed in the \$17.3 million foster care budget.

REP. JAYNE asked how much money the Division allocates for covering costs related to the child abuse and neglect hotline.

Ms. Brown directed the committee to Page 13, showing Centralized Intake costs of \$745,605 general fund monies.

{Tape: 1; Side: B; Approx. Time Counter: 16.3}

Responding to **REP. MORGAN**, **Ms. Brown** stated that of children who entered CFSD care during FY 2004, 40% returned to the care of their immediate or extended family within the same year. She referred the committee to Page 60, Average Days in Care FY 1998 through FY 2004.

Ms. Brown then introduced a CFSD discussion panel:

- Ms. Marci Buckles, Intake Social Worker, Lewis and Clark County
- Mr. Bryan Fisher, Detective, Helena Police Department
- Ms. Carolyn Clemens, Deputy County Attorney, Lewis and Clark County
- Mr. Ryan Tofflemire, Intervention Supervision, Lewis and Clark County.

Ms. Buckles described her role in the intervention process, which includes meeting with the child's family, referral for parental education, and determination of a proper extended family or non-family foster care placement. In the event of a foster care placement, Ms. Buckles is responsible for setting up parental visitation, a child's medical check-ups (to be conducted within 30 days of placement), and coordinating therapeutic care. After the first 30 days of placement, the intervention unit assumes case management duties.

Ms. Buckles provided an overview of the standard process for processing child sexual allegations, and stated that her personal qualifications included a Bachelor of Arts Degree in Social Work.

Ms. Brown noted that social workers in similar positions are required to have a Bachelor's degree in a human services discipline, or a combination of a Bachelor's degree and appropriate work experience.

Mr. Fisher described his varied work responsibilities and described the steep 2002-04 rise in Helena's number of domestic violence reports, which may include child abuse reports. He also stated that the children's abuse caseload has risen nearly 120%, and noted that because methamphetamine use excites sexual urges, methamphetamine abuse has led to an increase in child sexual abuse.

Responding to questions, **Mr. Fisher** detailed the extent of Montana police officers' training in dealing with domestic abuse,

child abuse and child neglect situations, and stated that after an initial call to the scene of an abusive situation, his domain of action allows him to feed, comfort and meet immediate needs of a child, and to make any criminal arrests necessary. He noted that officer involvement in the school system helps children in abusive situations feel more comfortable with police presence, and that officers accompany CFSD social workers on calls to dangerous home situations.

Ms. Clemens stated that today's criminals are frequently yesterday's abused children, and stressed the importance of CFSD early intervention. Ms. Clemens works closely with CFSD intake social workers, counseling them to determine if CFSD has legal backing sufficient to proceed with criminal allegations against abusive parents or guardians. She told the committee that CFSD and County Attorney representatives meet on Friday mornings to discuss this and other matters.

Ms. Clemens also noted that in December 2004 she filed a record number of court petitions, almost all of which were for methamphetamine-related cases. She emphasized Montana's increasing methamphetamine crisis and the need for a team approach to intervention in and providing services for families involved in methamphetamine use and production.

{Tape: 2; Side: B}

Mr. Tofflemire explained the role of the Intervention Unit, which includes facilitation of the Family Group Decision-Making Conference. He also commented on the longevity of methamphetamine case care, as affected children are often severely disturbed and parents require extended drug rehabilitation care.

Mr. Tofflemire stated that the court, counseled by the Court-Appointed Special Advocate (CASA), determines the length of follow-up time for parents and kids leaving CFSD programs, as when the court's oversight ends CFSD has not more authority.

Responding to a question from **SEN. WEINBERG**, **Mr. Tofflemire** stated that therapists determine if parents receive group or individual counseling. He noted that many of the parents were abused as children.

SEN. WEINBERG noted the pervasive and extremely negative effects of methamphetamine use on all parts of society. He called on the committee, the Department and CFSD representatives to consider creative ways to address the problem.

Mr. John Chappuis, Deputy Director, Department of Public Health and Human Services (DPHHS), noted existing collaborative efforts between DPHHS and the correctional system, and also encouraged cross-division anti-methamphetamine and methamphetamine prevention work.

Ms. Brown stated that methamphetamine drug rehabilitation requires six months, during which cognitive abilities decrease. She stated that methamphetamine remains in the body long-term and can cause flashbacks.

At the request of the committee, **Ms. Gervais** stated that there are two homes in Montana where children can remain with mothers who are receiving drug rehabilitation care. She said that start-up funds for the organizations were drawn from a number of agencies, but that there is no long-term DPHHS funding.

REP. JAYNE commented on the twenty-year rise in methamphetamine use.

{Tape: 3; Side: A}

Ms. Brown discussed Page 13, CFSD FY 2004 Actual Expenditures, Page 14, CFSD Total Program Funding FY 2004 Expenditures; and Page 15, CFSD Total Program Funding FY 2004 Funding Source; Page 16, Division Issues.

Responding to questions, **Ms. Brown** stated that she does not know of long-term research on health problems of babies born to moms on methamphetamine, but suspected that such children would have problems similar to those seen in fetal alcohol syndrome.

Ms. Brown moved on to Page 17, Social Security Income (SSI) Specialists; and Page 18, State Fiscal Year General Fund Shortfall; defined and discussed permanency hearings problems and permanency hearings changes proposed by SB 119.

Responding to questions, **Ms. Brown** noted that under SB 119 foster care review appeals would proceed to a hearing before a judge.

REP. JAYNE expressed concerns regarding SB 119, due process, and children's rights.

SEN. WEINBERG noted his initial negative reaction to SB 119 and explained why he now supports it.

Ms. Brown discussed Pages 19-20, General Fund Shortfall (continued); and Page 23, Title IV-E: Foster Care Audit.

REP. MORGAN noted Page 20, information about the supplemental budget request of \$20 million.

Ms. Brown continued on Page 25, Title IV-E Processing Logic in CAPS Computer System; Page 26, Federal Child and Family Services Program Improvement Plan; Pages 27-28, CFSD Case Review Data. She also provided the committee with a handout on CFSD Decision Packages (DP's) as Revised, 2007 Biennium.

EXHIBIT(jhh24a06)

Mr. Dave Thorsen, Operations and Fiscal Bureau Chief, CFSD, discussed the handout.

{Tape: 3; Side: B}

Ms. Gervais noted that the Budget Analysis does not reflect revised caseload projections.

Responding to a question from **REP. MORGAN, Mr. Thorsen** directed the committee to Page 4 of Exhibit 3, discussing the increasing costs of subsidized adoption.

Ms. Brown went on with the overview, discussing Pages 34-37, Present Law Adjustments (continued); and Pages 38-41, New Proposals. She stated that one new Full-Time Equivalent (FTE) would be allocated to each region. **Ms. Brown** also suggested ways in which committee members might solicit accurate and helpful information from constituents regarding CFSD, and provided ideas on how to put constituent CFSD comments into context. Finally, she discussed current legislation affecting CFSD.

Responding to questions from **REP. JAYNE** and **REP. MORGAN, Ms. Brown** discussed impact of FY 2005 cost-saving measures, including decrease in services.

REP. MORGAN asked how CFSD might move more funds toward methamphetamine abuse prevention.

Ms. Brown stated that CFSD's job is to care for drug-endangered children, and noted the division's openness to discuss cross-agency prevention ventures.

In response to **SEN. COBB, Ms. Brown** discussed Title IV-E audit details, as well as ways to meet financial needs posed by increasing methamphetamine abuse.

Ms. Gervais directed the committee to discussion on CFSD's Legislative Fiscal Division (LFD) issues. On Page B-27 of the

Budget Analysis, she noted that CFSD's federal non-compliance fines could rise to approximately \$6 million, if CFSD's program improvement plans fail. She also discussed LFD information on Page B-61, and provided and discussed a Summary of Foster Care and Subsidized Adoption Caseload Estimates (etc.) and a Comparison of CFSD Decision Package (DP) Request and CFSD Revised Caseload Estimate.

[EXHIBIT\(jhh24a07\)](#)

[EXHIBIT\(jhh24a08\)](#)

{Tape: 4; Side: A}

SEN. COBB stated that according to his calculations, CFSD is requesting less general fund than needed for biennium expenses.

Ms. Gervais provided and discussed information on CFSD DP's, and also discussed the LFD issue on Page 68, which deals with language regarding the hiring of five new FTE's.

Responding to **CHAIR KAUFMANN, Mr. Thorsen** stated that it is not the Division's intent to request continued base budget funding for FTE's unless adequate general fund exists to do so.

SEN. WEINBERG asked if it might be possible to transfer funds from another area toward FTE funding.

Mr. Thorsen remarked that CFSD does not have an internal funding source from which to draw such funds.

Responding to a question from **REP. MORGAN, Ms. Gervais** discussed the Department's needs and funding requests regarding shortfall in targeted case management and related administrative costs. She also discussed effects and outcome of CFSD's efforts to collect SSI benefits for eligible children.

Ms. Brown provided information about CSFD's SSI eligibility process and findings.

SEN. COBB asked if CFSD has the management structure needed for implementation of improvements and changes necessary prior to upcoming federal audits.

REP. JAYNE noted related LFD issues on Page B-59 and Page B-60 of the Budget Analysis.

Ms. Brown directed the committee to Page 27 in the CFSD Overview, stating that she believes the items highlighted in green will be

dealt with in federal negotiations, allowing CFSD to focus its efforts on the improvement of remaining items.

{Tape: 4; Side: B}

SEN. WEINBERG and **SEN. COBB** asked about CFSD's chances of success or failure under the federal audit.

Ms. Brown agreed to provide this information on Wednesday.

ADJOURNMENT

Adjournment: 11:40 A.M.

REP. CHRISTINE KAUFMANN, Chairman

LAURA GOOD, Secretary

CK/lg

Additional Exhibits:

EXHIBIT ([jhh24aad0.TIF](#))